Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
	)	

COMMENTS OF KUIPER SYSTEMS LLC

I. INTRODUCTION

Kuiper Systems LLC, a wholly owned subsidiary of Amazon.com Services LLC (collectively, "Amazon"), strongly supports the Federal Communications Commission's ("FCC" or "Commission") efforts to "alleviat[e] unnecessary regulatory burdens."[1] As Amazon readies to launch and operate its non-geostationary satellite orbit ("NGSO") fixed-satellite service ("FSS") constellation to provide affordable, high-speed, low-latency broadband across the world, Amazon agrees with the Commission that deleting certain regulatory provisions will advance "deployment, expansion, competition, and technological innovation in communications."[2]

In these comments, Amazon highlights several concrete steps that the Commission could take to reduce regulatory burdens on the satellite industry and facilitate the growth of the space economy. First, Amazon suggests a number of regulations ripe for deleting or streamlining as unnecessary to achieve their intended purpose. Second, Amazon suggests that the Commission should not impose more burdensome license conditions than its rules intend, and that the Commission's rules should provide the touchstone for compliance, not ad hoc policy or guidance. By eliminating unnecessary rules and policies discussed below, the Commission can further

[1] *In re: Delete, Delete, Delete*, Public Notice, GN Docket No. 25-133, DA 25-219, at 1 (rel. Mar. 12, 2025) ("*Public Notice*").

[2] *Id.* at 1-2.

promote certainty, innovation, and competition in the U.S. space and satellite industry and serve the public interest.

II. THE COMMISSION CAN DELETE OR MODIFY MANY RULES WITHOUT CAUSING ADDITIONAL INTERFERENCE OR HARMING THE PUBLIC INTEREST

Amazon commends the Commission's goal to optimize its regulations. Accordingly, Amazon suggests certain regulations that the Commission could delete, modify, or streamline to meet its goals of reducing regulatory burdens and facilitating competition and innovation among those parties subject to its regulation. Importantly, these suggestions would neither increase the risk of harmful interference nor otherwise harm the public interest. Rather, they represent additional steps the Commission can take "to ensure that unnecessary—or affirmatively detrimental—rules are not retained."[3]

A. The Commission Should Delete Regulations that Are Unnecessary to Prevent Harmful Interference

The following regulations are unnecessary to prevent harmful interference and should be deleted or modified as follows:

- **47 C.F.R. § 2.106 n.NG62**: delete the following fixed service call signs, all of which appear in the Universal Licensing System as "expired" or "canceled," from those listed as protected from the fixed-satellite service in the 28.5-29.1 GHz and 29.25-29.5 GHz bands: KEB35, KGB72, KGC79, KVH83, KYJ33, WAX78, WLT380, and WMK817. These call signs no longer need to be protected.

- **47 C.F.R. § 25.146(a)(1)(i) and (ii)**: delete the requirement for compliance with International Telecommunication Union ("ITU") power flux density ("PFD") limits created for other bands in the 19.3-19.4 GHz, 19.6-19.7 GHz, and 17.3-17.7 GHz bands, because the Article 21 limits in the 19.3-19.7 GHz band apply to satellites with highly inclined orbits having apogee greater than 18,000 km.

- **47 C.F.R. § 25.202(a)(1)(ii)**: delete the provision limiting FSS use of 37.5-40 GHz to individually licensed earth stations. FSS earth stations in this band receive transmissions from space stations, and therefore they do not impose any interference risk to other

[3] *Public Notice* at 2.

services. Furthermore, FSS space station transmissions must already meet ITU Article 21 power flux-density limits to protect terrestrial services.

- **47 C.F.R. § 25.203(b)**: delete the requirement for earth station applicants in frequency bands shared with terrestrial microwave services to submit coordination contours. Generating contour maps is overly burdensome and unnecessary given that the other technical details required within the same rule are sufficient for coordination.

- **47 C.F.R. § 25.208(r)**: delete the specific PFD limits for the 37.5-40 GHz band and revert to ITU values. ITU Article 21 PFD limits are sufficient to prevent harmful interference, and separate FCC PFD limits for this band are thus unnecessary.

- Delete each of the following NGSO mobile-satellite service ("MSS") feeder link restrictions, which have not been substantively updated since they were introduced in 1996 and do not account for modern technology used by NGSO MSS feeder links, geostationary satellite orbit ("GSO") FSS earth stations, or Local Multipoint Distribution Service ("LMDS") systems. The restrictions should thus be deleted, and, if necessary, a new record collected to identify what restrictions, if any, are needed to ensure coexistence in the relevant bands.

    - **47 C.F.R. § 25.250**: delete requirement that NGSO MSS feeder links in the 29.1-29.5 GHz and 19.3-19.7 GHz bands are licensed from feeder link earth station complexes and that licensees of such complexes must coordinate with each other if they are 800 km apart or closer.

    - **47 C.F.R. § 25.257**: delete NGSO MSS feeder link siting restrictions in the 29.1-29.25 GHz band.

B. The Commission Should Delete Regulations that Are Unnecessary to Oversee System Management

The following regulations, although intending to provide additional FCC oversight of system management, are unnecessary to accomplishing that goal and should be deleted or modified as follows:

- **47 C.F.R. § 25.113(i)**: delete the notification and certification provision. Given the Commission's determination that such replacement satellites do not require a modification, as they do not increase interference or otherwise require affirmative Commission consent, notifications and certifications do not require Commission action and are thus unnecessary.

- **47 C.F.R. § 25.118(b)(2)(vi)**: allow wider flexibility for changing coordinates of licensed earth stations without notification, as the current restriction is overly burdensome. Many location changes larger than the current restriction pose no risk of additional harmful interference. Accordingly, Amazon suggests allowing a change of up to 10 seconds of latitude or longitude in shared frequencies in the Ku-band or higher frequencies.

- **47 C.F.R. § 25.118(f)**: delete the 10-day requirement for notification before NGSO repositioning, and delete (f)(5) entirely. Given the Commission's determination that repositioning satellites pursuant to this subsection does not require a modification, as it does not increase interference or otherwise require affirmative Commission consent, requiring such notification to be filed 10 days in advance of such repositioning serves no useful purpose. Additionally, subsection 25.118(f)(5) is overly restrictive and unnecessary, as the other requirements ensure that the licensee does not increase interference and takes any evasive measures necessary to avoid collision.

- **47 C.F.R. § 25.132**: streamline language regarding verification of earth station antenna performance. This section includes convoluted internal cross-references and should be simplified and clarified.

- **47 C.F.R. § 25.173**: delete the in-orbit testing and filing requirement. Sufficient testing is already incentivized, and such notifications are impractical for the large satellite constellations that continuously launch, test, and orbit-raise satellites.

C. The Commission Should Remove Superfluous Language and Lessen Unnecessary Paperwork in Regulations

The following regulations create unnecessary duplication of information and/or unnecessary paperwork and can be deleted or modified as follows:

- **47 C.F.R. § 25.110(e)**: delete the requirement that applicants print electronic applications, obtain signatures, and keep the original. In the most recent Part 25 Streamlining Further Notice of Proposed Rulemaking,[4] the Commission proposed to eliminate this rule. Amazon enthusiastically supports this decision.

- **47 C.F.R. § 25.111**: delete or limit the provision allowing the FCC to request additional information about any Part 25 application or related submission at any time. The Commission should only be able to request information that is reasonably necessary to evaluate an application and such requests for information should be done within a reasonable amount of time after the application has been submitted. These limitations will improve the efficiency of review and will provide additional regulatory certainty to applicants.

- **47 C.F.R. § 25.115(a)(2)**: expand the bands in which FSS earth stations can use Form 312EZ to include NGSO FSS operations in order to minimize unnecessary paperwork requirements. Allowing NGSO FSS earth station operators to utilize the 312EZ form will reduce the regulatory burdens associated with filing earth station applications and lower the barrier to entry for new entrants.

[4] *Expediting Initial Processing of Satellite and Earth Station Applications; Space Innovation*, Report and Order and Further Notice of Proposed Rulemaking, IB Docket Nos. 22-411, 22-271, 38 FCC Rcd 8838 ¶¶ 7, 11 (2023).

- **47 C.F.R. § 25.216**: delete dates and provisions that are no longer necessary, including § 25.216(d), which provides graduated deadlines for compliance of certain terminals with Effective Isotropic Radiated Power ("EIRP") density limits through December 31, 2012.

D. The Commission Should Delete Certain Regulations that are Unduly Burdensome

The following regulation is unduly burdensome and can be deleted or modified as follows:

- **47 C.F.R. § 25.283(e)**: delete Section 25.283(e), which, in combination with the environmental conditions giving rise to noncompliance, imposes disproportionate compliance burdens on regulated entities and exposes operators to enforcement risks for situations outside of their control.[5] To ensure that the five-year deorbit rule remains the standard for operators—while recognizing that satellite failures may occur in space due to a variety of circumstances, including collision with non-trackable and unavoidable debris—Amazon recommends adding the following as the penultimate sentence of Section 25.114(d)(14)(vii)(D)(1): "The FCC shall retain the authority to evaluate and enforce end of life plans should an operator not consistently achieve successful disposal." In conjunction with the elimination of Section 25.283(e), this addition will create a regulatory framework that applies the 5-year deorbit rule to an operator's *nominal* operations, thereby reducing compliance burdens, increasing operators' regulatory certainty, and reducing administrative burdens on FCC staff by eliminating the need to seek (and review) waivers for anomalies that occur during the deorbit and reentry phases. In addition, Amazon encourages the Commission to ensure that any deorbit rules it promulgates have a sound technical basis, inclusive of industry best practices and standards, and reflect current analysis.[6]

[5] 47 C.F.R. § 25.283(e). As Amazon has previously observed, the current iteration of Section 25.283(e) fails to account for the practical realities of the space operating environment, and in particular, lacks any carveouts for failure conditions that prevent executing the nominal deorbit and reentry maneuvers. Satellite failures remain possible for *all* operators, and in the context of the deorbit rule, certain scenarios may lengthen demise time, particularly for failures that occur at higher altitudes and during solar minimums. Letter from Carrie Gage, Corporate Counsel, Kuiper Systems LLC, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 18-313, at 1 (filed Sept. 21, 2022).

[6] For example, recent research suggests that a longer timeline would provide benefits that far outweigh the costs. *See* Comments of Kuiper Systems LLC, IB Docket No. 18-313, at 13-14 (filed June 27, 2024) (citing Jericho Locke et al., NASA, *Cost and Benefit Analysis of Mitigating, Tracking, and Remediating Orbital Debris*, Report ID 20240003484, at 53 (May 2024)).

III. ADHERING TO THE TEXT OF THE RULES AS PROMULGATED WOULD REDUCE REGULATORY BURDENS AND PROMOTE CERTAINTY

A. The Commission Should Not Impose Stricter or More Burdensome Conditions Than Provided by Rule

Amazon agrees with the goals of this proceeding to increase certainty for satellite operators and reduce regulatory burdens. Thus, in addition to the targeted suggestions above, Amazon recommends that the Commission refrain from imposing license conditions that are more extensive than provided for in its rules to be more consistent with the Supreme Court's articulation of *Auer* deference in *Kisor v. Wilkie*.[7] Ensuring the clarity of licensing conditions and their consistency with the Commission's rules will increase regulatory certainty and reduce confusion and administrative burdens in the context of licensing and other adjudicatory processes.

Imposing unduly burdensome compliance requirements without foundation in the text of the Commission's rules would fall outside the scope of the Supreme Court's articulation of *Auer* deference in *Kisor v. Wilkie*. *Auer* deference provides that a court should defer to reasonable agency interpretations of their own ambiguous regulations, but only under certain conditions. In *Kisor*, the Court held that "[f]irst and foremost, a court should not afford *Auer* deference unless the regulation is genuinely ambiguous. If uncertainty does not exist, there is no plausible reason for deference."[8] Moreover, "before concluding that a rule is genuinely ambiguous, a court must

[7] *Kisor v. Wilkie*, 588 U.S. 558 (2019). The record supports such a suggestion. *See, e.g.*, Comments of Intelsat License LLC, IB Docket Nos. 22-411, 22-271, at 11-12 (filed Mar. 3, 2023); Comments of TechFreedom, IB Docket Nos. 22-411, 22-271, at 10-11 (filed Mar. 3, 2023) ("[T]he Commission often adds ad hoc conditions to licenses to address concerns raised in the application process. . . . While it may be necessary to place conditions on licenses, the Commission should do so sparingly."); Comments of SpaceX, IB Docket Nos. 22-411, 22-271, at 18 (filed Mar. 3, 2023) (noting the Commission's use of "bespoke, inconsistent license conditions for similarly situated operators").

[8] *Kisor*, 588 U.S. at 576-77 (internal citations omitted).

exhaust all the 'traditional tools' of construction."[9] Even when a regulation is determined to be ambiguous, "not every reasonable agency reading of a genuinely ambiguous rule should receive *Auer* deference."[10] The "regulatory interpretation must be one actually made by the agency. In other words, it must be the agency's 'authoritative' or 'official position,' rather than any more ad hoc statement not reflecting the agency's views."[11] On the other hand, in instances where the regulation is plainly unambiguous, it would not be appropriate to afford deference to a condition without foundation in the text of the agency's rules because it would "permit the agency, under the guise of interpreting a regulation, to create *de facto* a new regulation."[12]

Additionally, refraining from imposing unforeseen and burdensome conditions on licensees would be consistent with the actions of other agencies that regulate the satellite industry. For instance, in a 2020 rulemaking to reduce regulatory burdens on commercial remote sensing licensees, the National Oceanic and Atmospheric Administration ("NOAA") banned "retroactive" conditions imposed on licensees after a license's first issuance.[13] NOAA agreed that "the possibility of such conditions [was] very harmful to individual companies, investment, and the reputation of the U.S. business environment."[14] The same holds true here. Imposing unforeseen conditions that go beyond the Commission's rules also likely materially constrain and delay a licensee's ability to deploy systems, meet milestones and/or deadlines, and budget properly for the

[9] *Id.* at 575.

[10] *Id.* at 576.

[11] *Id.* at 577.

[12] *Id.* at 576 (citation omitted).

[13] *Licensing of Private Remote Sensing Space Systems*, National Oceanic and Atmospheric Administration, Final Rule, 85 Fed. Reg. 30790, 30801 (May 20, 2020).

[14] *Id.*

future.[15] Such regulatory uncertainly has a chilling effect on investment and the development of novel communications technologies, because applicants would need to, in effect, evaluate how they comply with the *spirit* of the rules, rather than the text of the rules. To ensure that such conditions do not continue to delay, constrain, and deter deployment of innovative services, Amazon recommends that the Commission ensure that license conditions do not extend beyond the text of applicable rules.

B. The Commission Should Adhere Closely to the Text of the Rules Rather Than Govern Through Guidance

Kisor also holds that "regulatory interpretation must be one actually made by the agency. In other words, it must be the agency's 'authoritative' or 'official position,' rather than any more ad hoc statement not reflecting the agency's views."[16] Following that tenet, Amazon likewise recommends that, to the extent possible, the Space Bureau refrain from issuing guidance that departs from the text of the rules as promulgated. These policy pronouncements add ambiguity to licensing processes and impose substantial and unnecessary burdens on regulated entities by muddying the waters and forcing entities to second-guess Commission-level determinations.[17]

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[15] Because the Space Bureau is considering a rule change that would require licensees to pay earth and space station fees on *authorized* systems rather than *operational* systems, it is especially important that licensees do not receive conditions that materially constrain their ability to deploy and operate their systems and collect revenue from customers. *See Assessment and Collection of Space and Earth Station Regulatory Fees for Fiscal Year 2024*, Further Notice of Proposed Rulemaking, MD Docket No. 24-85, FCC 25-11 ¶¶ 13-26 (rel. Feb. 25, 2025). In the future, delays to deployment caused by unduly burdensome conditions could result in licensees indefinitely owing significant fees to the FCC before being permitted to commence operations.

[16] *Kisor*, 588 U.S. at 559.

[17] For example, a Public Notice intended "to clarify the Commission's expectations regarding the demonstrations required under section 25.136" resulted in nearly five years, approximately 36 parties, and many *ex parte* meetings to resolve issues where interested parties identified instances where the Public Notice "either conflict[ed] with the provisions of Section 25.136 and the case law discussing it, or deal[t] with issues beyond the scope of the rule and not addressed in the record." *See International Bureau Issues Guidance On Siting Methodologies For Earth Station*

This easily preventable confusion not only runs counter to *Kisor*, but it also imposes significant and undue burdens on operators without providing corresponding benefits. For these reasons, the Commission should remain conscious of these types of issues and endeavor to reduce the amount of guidance that exceeds the scope or contradicts the text of the rules. This approach would promote the public interest by reducing regulatory uncertainty among regulated entities and would create more consistent and fairer applications of the Commission's rules.

IV. CONCLUSION

Amazon encourages the Commission to move forward with implementing the above deletions and modifications to further facilitate the growth and innovation of the space and satellite industry.

Respectfully submitted,

/s/ Emily Hsu
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an Amazon subsidiary

April 11, 2025

Seeking To Operate In The 24.75-25.25 GHz, 27.5–28.35 GHz, 37.5–40 GHz, 47.2-48.2 GHZ, AND 50.4-51.4 GHz Frequency Bands To Demonstrate Compliance With Section 25.136, Public Notice, 35 FCC Rcd 6347 (2020); Satellite Industry Association, Petition for Reconsideration, IB Docket No. 17-172, at 6 (filed July 16, 2020).